

# THE COMMONWEALTH OF MASSACHUSETTS

EXECUTIVE OFFICE OF ENERGY AND ENVIRONMENTAL AFFAIRS



## Department of Agricultural Resources

### State Reclamation and Mosquito Control Board

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Lee Corte-Real, **Chairman**  
Department of Agricultural  
Resources (DAR)

Bruce Hansen  
Department of Conservation  
And Recreation (DCR)

Gary Gonyea  
Department of Environmental  
Protection (DEP)

#### ADMINISTRATION

Alisha Bouchard  
Project Administrator

**Meeting:** State Reclamation and Mosquito Control Board (SRMCB)

**Date:** Friday, April 11, 2014

**Time:** 10:00 AM-NOON

**Location:** Cape Cod Community College, Room 213,  
Lorusso Applied Technology Building,  
2240 Iyannough Road (Route 132),  
West Barnstable, MA 02668

#### MOSQUITO CONTROL PROJECTS & DISTRICTS

Berkshire County Mosquito  
Control Project

Bristol County Mosquito  
Control Project

Central Massachusetts  
Mosquito Control Project

Cape Cod Mosquito  
Control Project

East Middlesex Mosquito  
Control Project

Norfolk County Mosquito  
Control District

Northeast Massachusetts  
Mosquito & Wetland  
Management District

Plymouth County Mosquito  
Control Project

Suffolk County Mosquito  
Control Project

#### Attendance

##### **Board and Staff:**

Lee Corte-Real, Dept. of Agricultural Resources (DAR), Chairman  
Gary Gonyea, Dept. of Environmental Protection (DEP), Member  
Bruce Hansen, Dept. of Conservation and Recreation (DCR), Member  
Alisha Bouchard, SRMCB, Projects Administrator  
Jessica Burgess, Dept. of Agricultural Resources (DAR), Legal Counsel

##### **Mosquito Control Districts Commissioners:**

Bob Davis, Bristol County Mosquito Control  
Christine Fagan, Bristol County Mosquito Control  
Arthur Neil, Cape Cod Mosquito Control  
Richard Pollack, Norfolk County Mosquito Control & MAG

##### **Mosquito Control Districts Staff:**

Anthony Texeira, Plymouth County Mosquito Control  
Jo Ann Fawcett, Plymouth County Mosquito Control  
Gabrielle Sakolsky, Cape Cod Mosquito Control  
Jennifer Dacey, Bristol County Mosquito Control  
Tim Deschamps, Central MA Mosquito Control  
Dave Lawson, Norfolk County Mosquito Control  
William Mehaffey, Northeast MA Mosquito Control

##### **Other:**

Jennifer Forman-Orth, Dept. of Agricultural Resources  
Emily Hibbard, Vector Disease Control International, Nantucket  
Kimberly Foss, Swamp Inc., Maine/New Hampshire  
Catherine Brown, MA Dept. of Public Health

- A. **Meeting Convened:** Chairman Lee Corte-Real called the meeting to order at 10:05 a.m. Also in attendance were Gary Gonyea representing Commissioner Cash, DEP; Bruce Hansen for Commissioner Murray, DCR and Chairman Corte-Real representing Commissioner Watson, DAR. The Chairman stated the Board has quorum.
- B. **Approval of Meeting Minutes:** The Board reviewed the meeting minutes of February 3<sup>rd</sup>, 2014. The Board reviewed the meeting minutes of February 3<sup>rd</sup>, 2014. **Action Taken:** Mr. Gonyea made a motion to approve the meeting minutes, seconded by Mr. Hansen, the Board voted 3 to 0 to approve the meeting minutes.
- C. **FY15 Mosquito Control Budget Updates:** The Board heard and discussed the FY15 mosquito control budget updates. Ms. Bouchard, Projects Administrator stated that there were no changes to the FY15 mosquito control budget requests since the Board's last meeting on February 3<sup>rd</sup>.

For each of the mosquito control districts Ms. Bouchard reported on member community's support or no support for districts FY15 budget requests and new town inquiries considering joining a mosquito control district. Ms. Bouchard noted that new town inquiries were received from Adams, Great Barrington, Lenox and Lanesborough in Berkshire County. In the Central MA region Gardner, Harvard and Tyngsborough inquired. However, Harvard ended up not voting to join the district and Groton may have an article at town meeting to rescind their membership vote from the fall due to budget issues with the schools. There is no provision in the district's enabling legislation holding the town to the original vote.

Ms. Bouchard also updated the Board on the status of the pending DCAMM RFP for the Bristol County Mosquito Control Project and the status of property deficiencies at the Project's current location. Ms. Bouchard also informed the Board that there are approximately thirteen truck purchases currently in process across all the districts and she itemized which districts are in the process or have recently purchased vehicles. Ms. Bouchard stated many of the districts vehicle purchases are to replace aging fleets. Mr. Gonyea inquired as to whether or not district's budgets have truck purchases listed as capital expenditures and Ms. Bouchard confirmed. Mr. Gonyea asked if truck purchases are for ULV spraying operations to which Ms. Bouchard replied that some are for spray operations while other purposes include water management and a variety of other mosquito control activities. Ms. Bouchard gave a brief overview of the vehicle purchase process to address any outstanding questions by the Board.

Ms. Bouchard concluded the budget report by noting that there are no changes to Board's administration budget request for FY15 however, some estimates may be updated among the cost categories given the current staffing transitions with the Executive Director's retirement and fiscal staff changes.

**Action Taken:** None.

- D. **Norfolk County Mosquito Control:** The Board heard a proposal from Norfolk County Mosquito Control Project regarding contingent aerial adult mosquito operational response to suppress and control extreme nuisance mosquito outbreaks from *Aedes vexans* or other flood plain species.

Mr. Lawson, Director of the Norfolk County Mosquito Control District gave a presentation to demonstrate the how the idea of having contingent aerial adulticide mosquito spraying came about. Mr. Lawson introduced slides showing the north side of the town of Dedham in 2012 with clusters calls from residents for truck spraying requests starting with the week of June 12<sup>th</sup>, 2012. Mr. Lawson's spray requests slides provided the Board a visual through select weeks during June and July when the Neponset River did not flood. The slides indicated a steady increase in spray requests throughout the season without any significant spike in requests. In comparison, Mr. Lawson demonstrated the problems that occur when there are significant amounts of rain causing the Neponset River to flood and the water travels into the flood plain. During 2013, between June 7<sup>th</sup> and June 14<sup>th</sup> mosquitoes went through their life cycle and after a couple of weeks *Aedes vexans* emerged into the adjacent neighborhood. The emergence of these mosquitoes in the flood plain caused a significant spike in complaints from residents to the District that remained steady over the next month. Residents indicated the mosquitoes were so terrible that they felt they could not walk outside to leave their homes. Mr. Lawson remarked that control efforts took a considerable amount of time although truck mounted spraying had already begun prior to this outbreak. Mr. Lawson indicated the idea of finding more effective ways to deal with outbreaks of *Aedes vexans* or other flood plain mosquitoes was brought on by these events and while weekly ULV truck spraying applications provided coverage over the whole area it was not producing effective control.

A discussion followed with questions from the Board to Mr. Lawson regarding the circumstances during the outbreak including the impact to other towns, the abundance of mosquitoes in traps, what other control measures such as larviciding was conducted, and whether or not there are any no spray exclusions in the area. Mr. Lawson noted impacts to the surrounding communities, astronomical trap counts, no known spray exclusions, and indicated work completed with aerial larviciding. Mr. Lawson discussed challenges with aerial larviciding including limited window of time because of rain and other jobs such as treating the Charles River and being hindered with one contracted helicopter available. Responding to Mr. Gonyea, Mr. Lawson indicated that if increased larviciding had occurred there would have been a reduction in resident's calls. Mrs. Lawson clarified he was not proposing discontinuing aerial larviciding and replacing it with aerial adulticiding but rather having this as a contingent application and only using it when needed in limited neighborhoods on the edge of the flood plain to knock down mosquitoes in one application.

Mr. Lawson pointed out that he is just exploring this idea by talking to different stakeholders such as the towns, boards of health, and the Board to get an idea of concerns. Mr. Gonyea stated even if the district build a case for this by demonstrating how many pounds of pesticides have been used versus calls received and the percent of relief from doing all the ULV applications in those areas there are still a lot of other issues.

Mr. Corte-Real noted multiple factors contributed to limited control in this situation and stated except for public health emergencies aerial adulticiding for a vector response to mosquitoes has been non-existent since 1981. Noting a response from MA Audobon, Mr. Corte-Real continued by saying this would be a significant change in operational plans and response to control in the Generic Environmental Impact Report (GEIR) and that this would require a much larger and in depth public discussion to a significant change in policy.

In response to a question from Mr. Deschamps, Mr. Lawson explained the helicopter application window is about four days once the river floods on the flood plain. A discussion with the Board continued regarding the limitations with one contracted helicopter company as well as preferences for helicopters with innovative technology that provides useful data back to the district. Ms. Haviland mentioned the complexity of these applications given the treatment area is off the designated grid throughout the application as the pilot is trying to find the edge of the river and the

proximity to homes and FAA restrictions. Ms. Bouchard noted the department would have to go out to bid to get additional companies on contract.

Mr. Pollack addressed the Board noting this pragmatic approach has been discussed in some depth at both the Norfolk Commissioner level and with the Mosquito Advisory Group (MAG) realizing there is going to be a lot of doubt and people upset about the suggest of doing an adulticide regardless of conditions. Mr. Pollack continued by inquiring is it legal and noted that while it hasn't been done a couple decades there is no reason it couldn't be done at this time that we are aware of. Mr. Pollack further noted the amount of product applied per acre seems similar to truck mounted applications while the distance between the nozzle and hose is actually far greater when it is by aerial and the exposure to people would likely be far less.

Mr. Corte-Real acknowledged an aerial application may be more advantageous however, public perception of those applications are going to be sustainably different and the reason it hasn't been done in thirty plus years is a desire to move away from that. Mr. Corte-Real described how the lack of larviciding intervention is part of the reason a much great, in depth discussion with different people would be needed and he noted it is legal however, the question becomes is it warranted?

The discussion continued among the Board and the districts regarding the idea of pre-emptive aerial spraying, public perception and weighing the risk benefit analysis considering vector response versus nuisance response and the difference in that they can't be put into the same equation because vector response is completely different. Mr. Corte-Real noted not being opposed to having others weighing in on the question if this something districts want to pursue. However, a great deal more discussion needs to happen with other portions of the population involved. Mr. Corte-Real continued by acknowledging a response received from the Taunton Watershed Association in opposition to this idea, which indicates this idea is not universally looked upon as positive. Mr. Gonyea remarked the GEIR addresses aerial adulticiding only in a public health emergency therefore; a section of the GEIR would have to be crafted to use aerial adulticiding in a public nuisance situation. Mr. Lawson noted his appreciation for the dialog on this issue.

The discussion concluded that to expand the pool of aerial larviciding contractors would include drafting specifications to go out to bid would be the best contingency. In addition, Mr. Corte-Real inquired as to the option for the Norfolk district to utilize the Plymouth County Mosquito Control Project's (PCMCP) aircraft for aerial larviciding via an ISA. Mr. Texeria, PCMCP Superintendent indicated the district's aircraft could do larviciding however; there may be an issue with insurance if the district rents out the aircraft. Mr. Gonyea advised that the two options be discussed at a future meeting. Ms. Burgess advised Mr. Texeria to forward the district's insurance policy to the legal office for review to see if the policy is restricted to a specific area of coverage or to the county's use of where applications occur.

**Action Taken:** None, however, the Board suggested drafting specifications for aerial larviciding contractors and the Plymouth district provide legal a copy of their aircraft insurance policy and; these two options be discussed at a future meeting.

E. **Public comment/input period:**

**Swamp Incorporated:** Mr. Morris, from Swamp Inc. introduced himself and his colleague Ms. Foss to the Board and provided his credentials as a mosquito control contractor. Mr. Morris continued to explain that his company is doing sidewalk weed control for a city in Massachusetts and during that work can perform catch basin larviciding and species monitoring, as well.

A discussion between Mr. Morris and Board members continued and Mr. Corte-Real advised that if any mosquito control work were to be performed the contractor would need to submit proposed work plan the specific city or town and it would have to be approved by the Board. Mr. Gonyea elaborated by explaining that the mosquito control plan must include where the work would be performed; describe the program; what samples are to be collected; what application rates would be used; what type of catch basin treatment would be used; would any supplemental trapping be done and; describe what is done with the adult mosquitoes? Mr. Morris acknowledged that the city has limited funds and may be just interested in the larvae; he also acknowledged that they are still in discussions with the city and that Swamp, Inc. does a lot of weed control that lead to discussions regarding mosquito control.

Mr. Morris further confirmed he been in contact with Mr. McClean from the department in response to Mr. Corte-Real's question regarding if a BMP will be submitted for the weed control as part of the Rights of Way Management Program. Mr. Gonyea asked if the NPDES permit will be completed to which Mr. Morris confirmed and noted there would be no discharge to the Merrimack river as the catch basins are on the road and only stagnant water habitats.

Mr. Gonyea and Mr. Corte-Real concluded the discussion with Mr. Morris by explaining that after further discussions with the city that Mr. Morris come back to the Board with a more detailed plan.

**Action Taken:** None.

**Commissioner Appointments:** Mr. Texeria inquired as to the status of commissioner appointments and stated his Commission's concern that with the existing four members there could end up being a two to two vote and they would like to have at least a fifth member. Mr. Corte-Real acknowledged, commissioner appointments have not been forgotten and that he is interested in filling the vacancy on Mr. Texeria's commission. Ms. Burgess noted the Commissioner appointments are still a priority however, had been delayed with short staffing given the retirement of the Executive Director. Ms. Burgess further explained the commissioner appointment process is outlined and sitting commissioners will have the opportunity to interview for reappointment and that the Board will be submitting letters to member cities and towns for new candidates for appointment. Ms. Burgess concluded by commenting that scheduled commissioner interviews will be posted as a public meeting and notice will be distributed to ensure districts are notified and welcome to attend.

**Action Taken:** None.

**TTOR Exclusion Policy:** Mr. Lawson brought to the Board and the district's attention The Trustees of Reservations (TTOR) policy for exclusion requests for TTOR properties in Medfield, Dover and exclusion of aerial larviciding habitat on the Charles River flood plain. Mr. Pollack explained he has been in contact with TTOR regarding statements on their web site that the values of mosquito control cause harm to the environment. Mr. Pollack along with Mr. Telford have reached to the TTOR for a meeting to address their concerns and perhaps re-evaluate their position on no spraying or larviciding on their properties across the Commonwealth. Furthermore, Mr. Pollack noted that more than a few boards of health in the area are upset with TTOR's policy and he referenced an article in the yesterday's Medfield Patch. Mr. Deschamps added to the conversation by noting the Sudbury Valley Trustees have had a similar policy with some properties excluded from larval control, as well.

Mr. Pollack asked the Board to consider reaching out to the TTOR; the Board discussed this request and its role in this situation. Mr. Corte-Real noted the Board is in a position as being regulatory for the mosquito control districts therefore; the Board is not in a position of being proponents of any one type of application. However, the Board is cognizant of the need for mosquito control.

After further discussion, Mr. Pollack proposed the Board invite stakeholders for a conference to address their concerns. Mr. Corte-Real noted the Board could be a vehicle for a more in-depth conversation. Mr. Gonyea suggested having a discussion with stakeholders such as the Sudbury Trustees and U.S. Fish and Wildlife Service to address their concerns regarding using Bti could focus on the efficacy and any potential side effects of larviciding using Bti in fresh water environments. The discussion may include reference to published literature and studies to help answer any questions related to Bti applications on stakeholder's properties. Mr. Hansen suggested including a master list of watershed associations and trustees of reservations would be beneficial. Mr. Corte-Real suggested the Board hold a separate meeting for informational session for anyone that might be interested.

**Action Taken:** None; however, the Board suggested a meeting be organized and a letter be sent to stakeholders to attend an information session.

**SRMCB Staffing:** Mr. Lawson inquired as to staffing changes since Mr. Buffone's retirement. Mr. Corte-Real noted the department is looking to fill the position internally. However, it will not be a direct fill of what Mr. Buffone's duties were previously; instead will consist of functional changes or appointments to address the functional needs of the Board.

**Action Taken:** None.

**Pesticide Exclusion Regulations:** Ms. Burgess provided updates on the exclusion issue noting the only comments received were from Norfolk. Ms. Burgess reported that the regulations are going to stay the same for this year however, the department is working on preparing proposed amendments to bring to the Pesticide Board to address the exclusion procedures, and how it works and does not work. Ms. Burgess informed the Board and the districts that she is still looking for comments regarding anything they would like to see in the new regulations and highlighted the current procedures, that include sending a certified letter by March 1<sup>st</sup> each year. A brief discussion ensued and Ms. Burgess remarked comments on this issue to be addressed with the Pesticide Board and once there is a draft concept meetings will take place with stakeholders and a public comment period will take place.

**Action Taken:** None.

**Meeting Minutes, Open Meeting Law and Conflict of Interest:** Ms. Burgess advised that she is available to assist districts with review of drafted meeting minutes and to help with what is required and what is not required and; to generally go over the Open Meeting Law. Ms. Burgess indicated her availability either individually to districts, as an organized group or via conference call. In addition, Ms. Burgess noted as an annual reminder handouts are available today on the Conflict of Interest Law and she highlighted a few reminders in response to questions. Ms. Burgess remarked she or the State Ethics Commission is available for additional questions.

**Action Taken:** None.

**Date, time, and location of next meeting:** Mr. Corte-Real reported that the next meeting will be held on Wednesday, May 21<sup>st</sup>, 2014 at 10am at the Walpole Town Hall and is posted on the Board's web site.

**Action Taken:** None.

**Adjournment:** The Board considered adjournment of the meeting. **Action Taken:** Mr. Hansen made a motion to adjourn the meeting seconded by Mr. Gonyea, the Board voted 3 to 0 to adjourn the meeting at 11:38 am.

Respectfully submitted,

Alisha Bouchard  
Executive Director